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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON**

JOHN FARMER,) Case No.
)
Plaintiff,) COMPLAINT FOR VIOLATION
) OF FEDERAL FAIR DEBT
vs.) COLLECTION PRACTICES ACT
) AND INVASION OF PRIVACY
PINNACLE FINANCIAL GROUP,)
INC.,)
)
Defendant.)

I. NATURE OF ACTION

1. This is an action for damages brought by an individual consumer for Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereinafter "FDCPA") and of the Revised Code of Washington, Chapter 19.16, both of which prohibit debt collectors from engaging in abusive, deceptive, and unfair practices. Plaintiff further alleges a claim for invasion of privacy by intrusion, ancillary to Defendant's collection efforts.

COMPLAINT FOR VIOLATIONS OF THE FAIR
DEBT COLLECTION PRACTICES ACT-5

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2
3 **II. JURISDICTION**

4 2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d).

5 **III. PARTIES**
6

7 3. Plaintiff, John Farmer, is a natural person residing in the State of
8 Washington, County of Spokane, and City of Spokane.

9 4. Plaintiff is a “consumer” as defined by the FDCPA, 15 U.S.C. §
10 1692a(3), and a “debtor” as defined by RCW § 19.16.100(11).
11

12 5. At all relevant times herein, Defendant, Pinnacle Financial Group, Inc.,
13 (“Defendant”) was a company engaged, by use of the mails and telephone, in the
14 business of attempting to collect a “debt” from Plaintiff, as defined by 15 U.S.C.
15 §1692a(5).
16
17

18 6. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. §
19 1692a(6), and a “licensee,” as defined by RCW § 19.16.100(9).
20

21 **IV. FACTUAL ALLEGATIONS**

22 7. At various and multiple times prior to the filing of the instant complaint,
23 including within the one year preceding the filing of this complaint, Defendant
24 contacted Plaintiff in an attempt to collect an alleged outstanding debt.
25
26
27

1 Defendant's conduct violated the FDCPA and RCW § 19.16 in multiple ways,
 2 including but not limited to:
 3

- 4 a. Without having received the prior consent of Plaintiff or the express
 5 permission of a court of competent jurisdiction, and without it being
 6 necessary to effect a post-judgment remedy, communicating with a third
 7 party other than in the manner prescribed by 15 USC § 1692b (§
 1692c(b));
- 8 b. In connection with an attempt to collect an alleged debt from Plaintiff,
 9 providing the identity of Defendant to a third party without such
 10 information being expressly requested (§ 1692b(1) & § 1692c(b));
- 11 c. In connection with an attempt to collect an alleged debt from Plaintiff,
 12 contacting a third party for purposes other than obtaining location
 13 information (§ 1692b & § 1692c(b));
- 14 d. Communicating with a single third party more than once in connection
 15 with an attempt to collect an alleged debt from Plaintiff (§ 1692b(3) & §
 16 1692c(b));
- 17 e. Threatening to take an action against Plaintiff that cannot be legally
 18 taken or that was not actually intended to be taken, including
 19 threatening to file a lawsuit against Plaintiff (§ 1692e(5)).

20 9. Defendant's aforementioned activities, set out in paragraph 8, also
 21 constitute an intentional intrusion into Plaintiff's private places and into private
 22 matters of Plaintiff's life, conducted in a manner highly offensive to a reasonable
 23 person. With respect to the setting that was the target of Defendant's intrusions,
 24 Plaintiff had a subjective expectation of privacy that was objectively reasonable
 25 under the circumstances.
 26
 27
 28

1 10. As a result of Defendant's behavior, detailed above, Plaintiff
2 suffered and continues to suffer injury to Plaintiff's feelings, personal humiliation,
3 embarrassment, mental anguish and emotional distress.
4

5 **COUNT I: VIOLATION OF FAIR DEBT**
6 **COLLECTION PRACTICES ACT**
7

8 11. Plaintiff reincorporates by reference all of the preceding paragraphs.

9 **PRAYER FOR RELIEF**

10 WHEREFORE, Plaintiff respectfully prays that judgment be entered
11
12 against the Defendant for the following:

- 13 A. Declaratory judgment that Defendant's conduct
14 violated the FDCPA;
15 B. Actual damages;
16 C. Statutory damages;
17 D. Costs and reasonable attorney's fees; and,
18 E. For such other and further relief as may be just and proper.
19

20 **COUNT II: VIOLATION OF WASHINGTON COLLECTION AGENCY**
21 **ACT, WHICH IS A PER SE VIOLATION OF THE WASHINGTON**
22 **CONSUMER PROTECTION ACT**
23

24 12. Plaintiff reincorporates by reference all of the preceding paragraphs.
25
26
27

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- A. Actual damages;
- B. Discretionary Treble Damages;
- C. Costs and reasonable attorney's fees,
- D. For such other and further relief as may be just and proper.

COUNT III: COMMON LAW INVASION OF PRIVACY BY INTRUSION

13. Plaintiff reincorporates by reference all of the preceding paragraphs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- A. Actual damages
- B. Punitive Damages; and,
- C. For such other and further relief as may be just and proper.

Respectfully submitted this 17th day of March, 2009.

s/Jon N. Robbins
Jon N. Robbins
WEISBERG & MEYERS, LLC
Attorney for Plaintiff